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December 23, 2008

The Honorable Dianne Feinstein
United States Senate
331 Hart Building
Washington, DC 20510

Dear Senator Feinstein:

We received a copy of your December 16, 2008, letter to the State Water Resources Control Board and Central Valley Regional Water Quality Control Board Chairs (Water Boards). You urge the Water Boards to take specific action to address "the impact of wastewater discharge in the Delta ecosystem, in particular ammonia discharges from Sacramento Regional County Sanitation District (SRCSD)." SRCSD is particularly concerned with the position that "considerable new research is pointing to the role that ammonia may be playing in the ecosystem by inhibiting the production of phytoplankton at the base of the food web." This suggests that evidence exists to link SRCSD discharges to the decline of fish species in the Delta, and, in a larger sense, to the overall ecological crises that exists in the Delta today.

SRCSD supports your desire to address the water quality impacts upon the Delta. Nevertheless, we believe it is important to provide you additional information about SRCSD's compliance with federal and state water quality mandates, and our ongoing efforts to increase the available scientific understanding of the contributing factors influencing the health of the Delta. We believe a more complete presentation to you or your staff is warranted, given your specific interest in the SRCSD discharge. To that end, we would welcome the opportunity to meet with you at your earliest convenience. An elected member of our Board and senior staff can travel to Washington in early January to discuss the matter.

Two scientific studies were promptly designed and conducted by the Water Boards in 2008 to address ammonia toxicity and food inhibition concerns raised by the Department of Water Resources and various water supply interests. The first study, while not yet formally published, is suggesting no acute toxicity effects on Delta smelt. These results are consistent with EPA water quality criteria based on historic in-river water quality data collected by the state. It has been shown that levels of ammonia are consistently lower than the levels known to cause adverse effects in the most sensitive fish and invertebrate species that inhabit the Delta (see Attachments). The second study addresses the effect of the SRCSD discharge on phytoplankton (food web studies). Preliminary results of this study indicate no adverse effects of the SRCSD discharge on the food web in the Delta, contrary to the hypothesis advocated by the Department of Water Resources.

So far, preliminary results of these two studies suggest no adverse effects to Delta smelt or food production downstream of SRCSD's discharge point. The study designs were developed to produce sound scientific results that all parties should be able to accept. We believe that this approach is the appropriate way to establish public policy that will affect millions of Californians.

In contrast to these facts, we have observed proliferation of unfounded accusations over the past several years which reinforce the notion that problems of the Delta are linked to contamination of the system by Delta communities and landowners in the watershed. The alleged impacts of ammonia discharges from the SRCSD treatment facility are just one example of the unsupported allegations that have been and continue to be asserted throughout the Delta Vision and Bay Delta Conservation Planning efforts. If you are aware of any studies that provide relevant information on the issues contained herein, please let us know.

Factually, while the evidence of actual impacts to the Delta ecosystem from SRCSD's discharge is absent, the evidence of the significant impacts of Water Project operations is well established in federal court proceedings and biological opinions of state and federal agencies. Moreover, the evidence of the impacts of invasive clam species on the Delta food web has been clearly assessed and documented (see Attachments). Finally, the impact of predation by native and non-native species is well documented as a potential contributor to the Delta fish decline.

The allegations that ammonia is a major reason for the decline of Delta's health are in stark contrast with the actual studies that are underway. We believe a review of all the data should be undertaken before decisions are cast to mandate actions that may not reverse declines, but instead merely divert limited resources from efforts that could return real benefits to the Delta ecosystem.

We must emphasize that SRCSD is operating under an administratively extended permit that maintains our obligations under federal and state mandates. Our discharge is not "under-treated" nor have regulatory authorities found it is causing degradation of the Delta. In fact, the secondary treatment level used at SRCSD is similar to that used by water quality agencies throughout California. Our operations meet or exceed all of the state's stringent mandates to protect water quality, including the Delta ecosystem. Indeed, the ongoing studies are expected to be used to determine whether additional requirements are necessary in our renewed permit.

Decisions regarding treatment requirements are reached by the Water Boards through a sophisticated permitting and Basin Planning process implemented under the Clean Water Act and California Water Code. With regard to the alleged ammonia impacts, these agencies have responded rapidly to perform the type of scientific investigations needed to address the questions. Regulatory decisions with significant local community cost implications must be based on sound science consistent with the Clean Water Act and California Water Code. Given the preliminary results obtained by the recent investigations, the decision by these agencies to perform necessary studies before taking regulatory action is the correct approach, and in accordance to the Clean Water Act and California Water Code.

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We believe that your priority to reverse the deterioration of the Delta is achievable provided all stakeholders work together to develop a comprehensive solution based on sound science that will provide measurable benefits to the Delta ecosystem. We would appreciate the opportunity to meet with you, and we look forward to working with you in the months ahead to ensure that our mutually shared goal of restoring the health of the Delta is achieved without delay.

For further information or if you have questions, please contact District Manager, Stan Dean, at (916) 875-9101.

Sincerely,

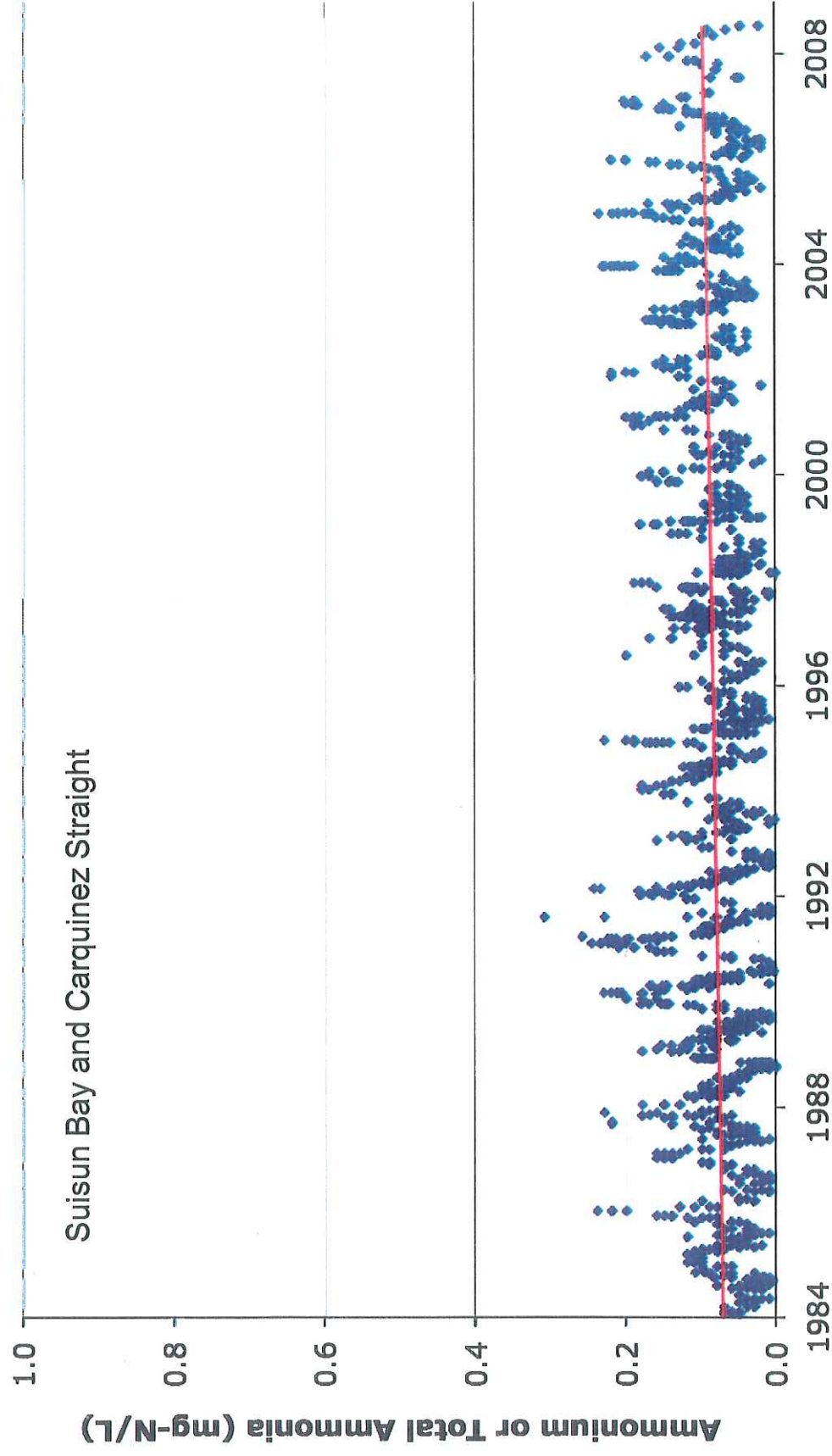


Mary K Snyder
District Engineer

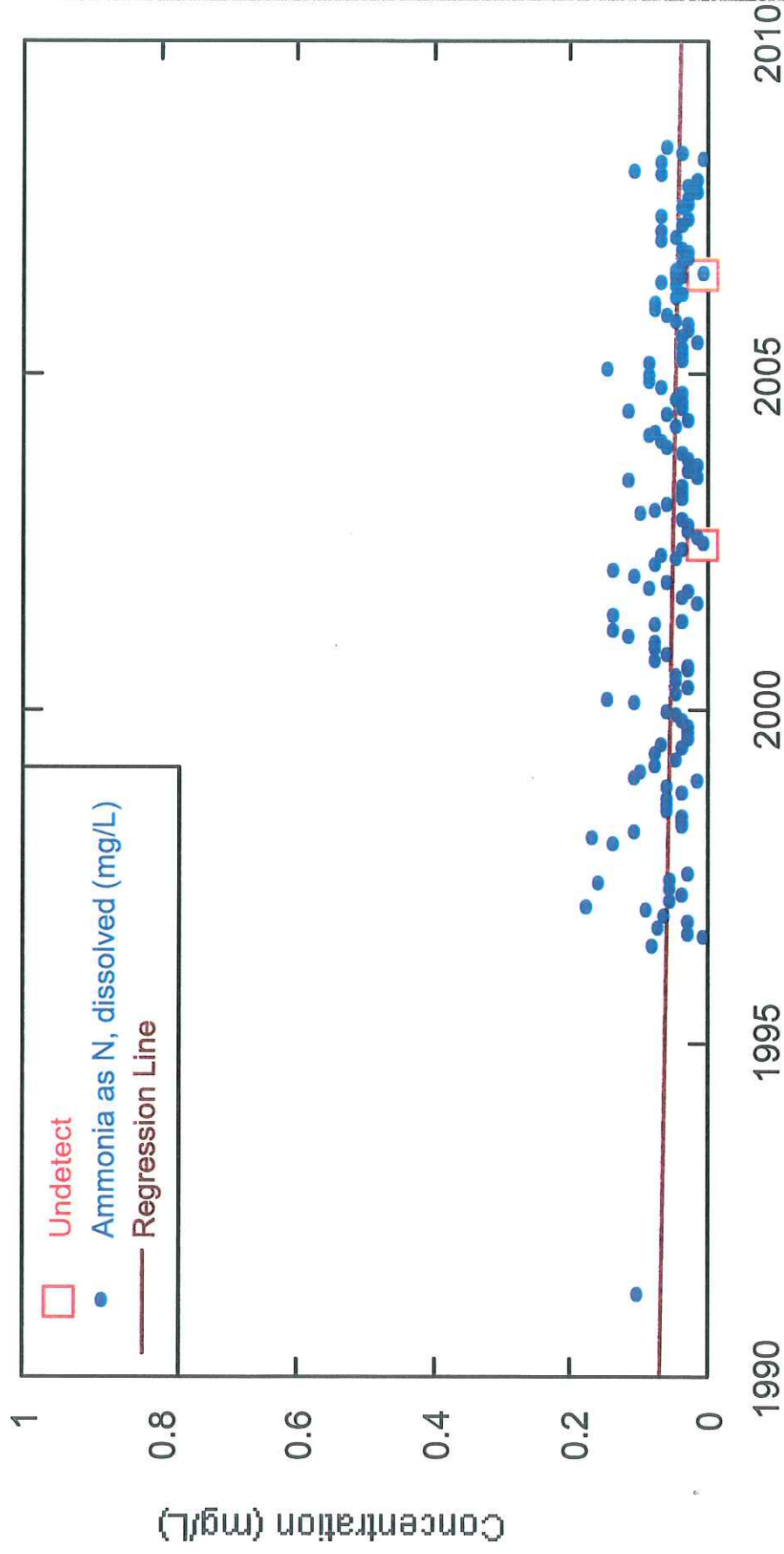
Attachments: Ammonia Level Graphs (3)
Phytoplankton Blooms in Suisun Bay and Carquinez Strait (1)

cc: U.S. Senator Barbara Boxer
Congressman Dan Lungren
Congresswoman Doris Matsui
Congressman Mike Thompson
Governor Arnold Schwarzenegger
John Moffat, Office of the Governor
Susan Kennedy, Office of the Governor
Senator Dave Cox
Senator Fran Pavley
Senator Joe Simitian
Senator Darrell Steinberg
Assembly Member Joan Buchanan
Assembly Member Alyson Huber
Assembly Member Jared Huffman
Assembly Member Ted Gaines
Assembly Member Dave Jones
Assembly Member Roger Niello
Assembly Member Mariko Yamada
Sacramento Regional County Sanitation District Board of Directors
State Water Resources Control Board Members and Executive Officer
Central Valley Regional Water Quality Control Board Members and Executive Officer
Bay Delta Conservation Plan Steering Committee
Delta Vision Committee
Department of Water Resources, Joe Grindstaff
Department of Water Resources, Lester Snow

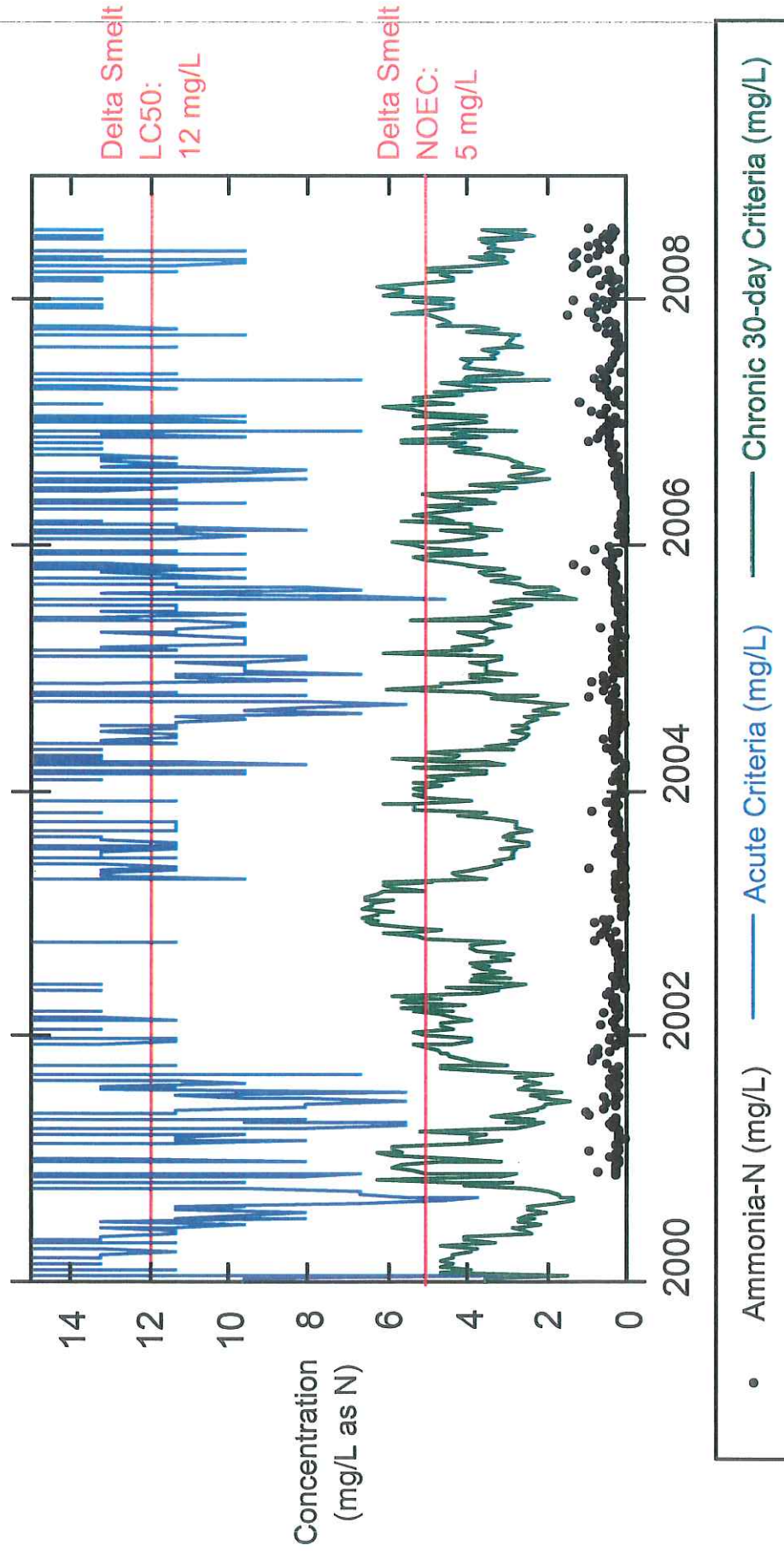
Ammonia levels have changed very little in Suisun Bay since 1984



Ammonia levels at the Banks Pumping Plant have decreased since 1995



Ammonia levels 1000 feet downstream from the SRWTP discharge are well below acute or chronic USEPA ammonia criteria and levels toxic to Delta smelt.



- LC50 (Lethal Concentration 50) is the concentration of a toxicant which is expected to cause death in 50% of test organisms.
- NOEC (No Observed Effect Concentration) is the highest concentration of a toxicant that causes no observable adverse effect.

Phytoplankton blooms in Suisun Bay and Carquinez Strait have been infrequent since the establishment of *Corbula amurensis* (overbite clam) in 1987. The step decline in 1987 is clear.

